

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

<p>BRECO EQUITIES, LLC,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>LAMOR WHITEHEAD and WHITEHEAD ESTATES LLC,</p> <p style="text-align: right;">Defendants.</p>	<p>Civil Action.</p> <p>Case No. 1:22-cv-8683-NRB</p> <p>AFFIDAVIT OF LAMOR WHITEHEAD IN OPPOSITION TO PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT IN LIEU OF COMPLAINT</p>
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I, Lamor Whitehead, being duly sworn deposes and says:

1. I am a defendant herein.
2. I am the managing member of Whitehead Estates, LLC.
3. I did not receive a letter dated August 10, 2022, from Plaintiff or through Plaintiff’s attorneys, demanding operating statements (“Operating Statements”) for the Properties, running from December 1, 2021 through the date of the letter, no later than August 24, 2022.
4. I did not receive a letter from Plaintiff dated September 2, 2022, from Plaintiff or through Plaintiff’s attorneys, advising that the Loan was in default because Borrowers, amongst other things, (1) failed to provide Plaintiff with operating statements upon Plaintiff’s request, (2) failed to apply “any and all available cash” in connection with the Properties to pay down the accrued interest and principal of the Loan, and (3) distributed revenue to equity holders prior to fulfilling all obligations of the Loan.
5. I have not defaulted on the subject note or Loan in this action.
6. The subject note or Loan in this action is not due or payable until December 1, 2023.
7. The following statements are based on my personal knowledge and are true and correct.

Dated: 03/03/2023

Lamor Whitehead
Lamor Whitehead

STATE OF Florida

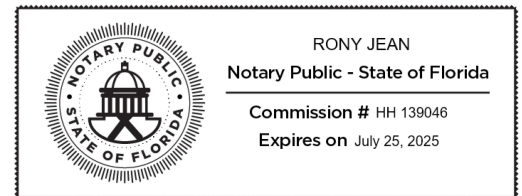
COUNTY OF Broward

Subscribed and sworn to before me on the 3rd day of March 2023, by Lamor Whitehead, proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Rony Jean

Notary Public

Printed name: RONY JEAN



Notarized online using audio-video communication

My commission expires: 07/25/2025

Proved to me on the basis of satisfactory evidence: DRIVER LICENSE

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I certify that a copy of the foregoing was served upon all parties via CM/ECF.

Respectfully submitted,

Dated: New York, New York
March 3, 2022

s/ Brian L. Ponder
Brian L. Ponder, Esq.
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